



UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STORAGE TECHNOLOGY CORPORATION,

Plaintiff,

-VS-

CISCO SYSTEMS, INC.,

Defendant.

Civil File No. 00-2253 JMR

RECEIVED

APR 04 2001

OFFICE OF PETITIONS

**DECLARATION OF MARK D. CHUEY IN
SUPPORT OF StorageTek's OPPOSITION TO
CISCO'S OBJECTIONS TO ADMISSION PRO HAC VICE**

I, **MARK D. CHUEY**, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am a patent agent, registered to file and prosecute patent applications before the U.S. Patent and Trademark Office (Reg. No. 42,415). I am not an attorney.
2. I have been employed by the law firm of Brooks & Kushman, P.C., located in Southfield, Michigan, since September of 1997.
3. Filing a nonprovisional patent application requires an oath or declaration executed by each inventor. A diligent effort must be made to obtain such an oath or declaration from each inventor.



LAW OFFICES
BROOKS & KUSHMAN P.C.

1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

(248) 358-4400

Exhibit I }

4. I have worked with Mark Bakke in the preparation and filing of patent applications on several previous occasions while he was employed with StorageTek, including at least one face-to-face meeting at StorageTek's facility in Minneapolis, Minnesota.

5. In mid-August, 2000, I was asked to prepare three patent applications on behalf of Storage Technology Corporation (StorageTek) based on invention disclosures prepared and submitted to StorageTek while Messrs. Bakke and Kuik were StorageTek employees. Each of the patent applications listed Mark Bakke and Timothy Kuik as inventors as stated on the invention disclosure forms.

6. To the best of my recollection, I contacted Mark Bakke and Timothy Kuik by telephone in mid-September, 2000. I told them that I was contacting them on behalf of StorageTek, indicating that they were named as inventors, that I had drafts of patent applications for their review, and that I needed home addresses before sending the applications. I also reminded both that the material disclosed in the applications was confidential to StorageTek. To the best of my recollection, Mark Bakke indicated he needed to check with Cisco attorneys.

7. Drafts of the applications were sent to the home addresses of Mark Bakke and Timothy Kuik on September 28, 2000. A cover letter accompanying the drafts is attached as Exhibit A. Each page of each application was marked "StorageTek Confidential" and "Do Not Copy."

8. In the following weeks, I made telephone calls to each inventor to inquire about their review of the applications. To the best of my recollection, Mark Bakke indicated that he had referred the matter to Cisco attorneys and that he would not sign any declarations



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or assignments related to the applications until hearing from the attorneys. To the best of my recollection, Timothy Kuik indicated that he was also waiting to hear from the attorneys but that he would review the applications and forward to me his comments.

9. The applications were filed with the U.S. Patent and Trademark Office on October 16, 2000 without declarations or assignments signed by either Mark Bakke or Timothy Kuik.

10. Timothy Kuik forwarded to me, via electronic mail, comments regarding the applications on October 19, 2000. This communication, with specific comments relating to the text of the patent applications redacted, is attached as Exhibit B.

11. I received the Filing Receipt and a Notice to File Missing Parts of Nonprovisional Application for each application, forwarded through StorageTek, in mid-December, 2000. In late December, 2000, a letter corresponding to each application was sent to Mark Bakke and Timothy Kuik, each letter with attached copies of the declaration, assignment and application as filed, requesting signatures on the formal papers. A copy of one such letter is attached as Exhibit C.

12. In mid-January, I left a voice message with at least one of Mark Bakke and Timothy Kuik inquiring about signing the formal papers. To the best of my recollection, these are all the contacts I had with Messrs. Bakke and Kuik after they left StorageTek's employ.

13. On January 19, 2001 I received a telephone call from Joe Hammell, who identified himself as an attorney from Dorsey & Whitney representing Cisco. Mr. Hammell asked me to have no further contact with any former StorageTek employee now working for

Cisco. Mr. Hammell did not provide me with a list of such employees. Mr. Hammell also indicated that he would send a letter indicating that no former StorageTek employee currently working for Cisco would sign any document related to a StorageTek patent application. I informed Mr. Hammell that the StorageTek patent applications were highly confidential StorageTek property and that not even Cisco's attorneys were entitled to see those applications. I also said that I would forward a copy of this letter to the U.S. Patent and Trademark Office as evidence that inventors now working for Cisco were unwilling to sign patent application declarations. To date, I have not received such a letter.

14. I am aware that there is some litigation between StorageTek and Cisco. I am not involved in any such litigation nor am I aware of any details related to such litigation. I have not contacted any employee of Cisco regarding any such litigation. I have not contacted any attorney representing Cisco or representing any employee of Cisco regarding any such litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

1/29/01


MARK D. CHUEY



LAW OFFICES

BROOKS & KUSHMAN P.C.

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SOUTHFIELD, MI 48075

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